

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOSE CERDA GODINEZ,  
Plaintiff,  
  
v.  
GUZMAN, *et al.*,  
Defendants.

Case No. 3:21-cv-00314-RCJ-CSD

**ORDER**

This action began with a pro se civil-rights Complaint filed pursuant to 42 U.S.C. § 1983 by Plaintiff, an inmate in the custody of the Nevada Department of Corrections. (ECF No. 1-1). Plaintiff applied to proceed *in forma pauperis*. (ECF No. 1). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

On November 22, 2021, the Court imposed a stay and entered subsequent orders in which the parties were assigned to mediation by a court-appointed mediator and the stay was extended. (ECF Nos. 6, 9, 11). A settlement was not reached during the mediation conference. (ECF No. 18).

For the foregoing reasons, **IT IS HEREBY ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**. Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

2. Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor.

3. Pursuant to 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act, the Nevada Department of Corrections will forward payments from the account of (Jose Cerda Godinez, #1237690), to the Clerk of the United States District Court, District of Nevada, 20% of the preceding month's deposits (in months that the account exceeds \$10) until the full \$350 filing fee has been paid for this action. The Clerk of the Court shall **SEND** a copy of this Order to:

1 (1) the Finance Division of the Clerk's Office and (2) the attention of the Chief of Inmate Services  
2 for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

3 4. The Clerk of the Court shall electronically **SERVE** a copy of this Order, the  
4 Screening Order (ECF No. 6), and a copy of Plaintiff's Complaint (ECF No. 7) on the Office of  
5 the Attorney General of the State of Nevada by adding the Attorney General of the State of Nevada  
6 to the docket sheet. This does not indicate acceptance of service.

7 5. Subject to the findings of the Screening Order (ECF No. 6), within 21 days of the  
8 date of entry of this Order, the Attorney General's Office shall file a notice advising the Court and  
9 Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the names of the  
10 defendants for whom it does not accept service, and (c) the names of the defendants for whom it  
11 is filing the last-known-address information under seal. As to any of the named defendants for  
12 whom the Attorney General's Office cannot accept service, the Attorney General's Office shall  
13 file, under seal, but shall not serve the inmate Plaintiff the last known address(es) of those  
14 defendant(s) for whom it has such information. If the last known address of the defendant(s) is a  
15 post office box, the Attorney General's Office shall attempt to obtain and provide the last known  
16 physical address(es).

17 6. If service cannot be accepted for any of the named defendant(s), Plaintiff shall file  
18 a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying  
19 a full name and address for the defendant(s). For the defendant(s) as to which the Attorney  
20 General's Office has not provided last-known-address information, Plaintiff shall provide the full  
21 name and address for the defendant(s).

22 7. If the Attorney General's Office accepts service of process for any named  
23 defendant(s), such defendant(s) shall file and serve an answer or other response to the amended?  
24 Complaint within 60 days from the date of this Order.

25 8. For any named defendant for whom the Attorney General's Office does not accept  
26 service, service of the operative complaint must be accomplished within 90 days of the date of this  
27 Order.  
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